Group II: Claims 9 to 11, 27, 29, directed to proteins;

Group III: Claim 12, directed to methods of producing proteins;

Group IV: Claims 13 to 16, 27, directed to antibodies;

Group V: Claim 17, directed to hybridization assays;

Group VI: Claims 18, 26, directed to immunoasays;

Group VII: Claims 19 to 21, 30, directed to methods of screening for Card related molecules;

Group VIII: Claims 22 to 25, directed to gene and antisense therapy methods, and

Group IX: Claim 28, directed to protein therapy methods.

Election of invention

Applicants traverse the restriction requirement for the reasons stated below. Nevertheless, in order to be responsive to the Office Action, Applicants elect the invention of Group I, claims 1 to 8, directed to a nucleic acid molecule encoding a CARD to containing polypeptide or domain therefrom (claims 1, 2 and 3); a vector containing the nucleic acid molecule (claim 4); recombinant cells containing the nucleic acid molecule (claim 5); isolated oligonucleotides containing at least 15 contiguous nucleotides of the nucleic acid molecule (claims 6 and 7), and a kit containing at least one oligonucleotide (claim 8), for examination. Applicants reserve the right to pursue prosecution of non to elected

subject matter in one or more related applications that claim the benefit of priority to the subject application.

Regarding restriction of Groups I and V

The restriction requirement is traversed with respect to the division of the claims of elected Group I from the claim of Group V. Applicants submit that, while the claims of Group I are patentably distinct from the claim of Group V, a thorough search of the claims of Group I will result in art relevant to the examination of the claim of Group V. The claims of Group I are directed to a nucleic acid molecule encoding a CARD to containing polypeptide or domain therefrom (claims 1, 2 and 3), a vector (claim 4) or recombinant cells (claim 5) containing the nucleic acid molecule; isolated oligonucleotides containing at least 15 contiguous nucleotides of the nucleic acid molecule (claims 6 and 7), and a kit containing at least one oligonucleotide (claim 8). The claim of Group V is directed to a method for identifying a nucleic acid molecule that involves contacting a sample with the oligonucleotide of claim 6.

Applicants submit that a search of the isolated oligonucleotide of claim 6 (Group I) will overlap with a search of using the oligonucleotide in the method of claim 17 (Group V). In this regard, if the oligonucleotide of claim 6 is determined to be free of prior art, the use of the oligonucleotide in the method of claim 17 also will be free of prior art. In view of the common body of literature relevant to the claims of Groups I and V, Applicants submit that the Examiner would not be seriously burdened to search and examine the claims of Groups I and V together, and doing so would

increase the efficiency of the search and examination process for this application.

Regarding the sequence election requirement

The Office Action sets forth a requirement that Applicants elect one subgroup corresponding to a SEQ ID NO as listed on pages 5-7 of the Office Action. Applicants traverse the sequence election requirement for the reasons stated below. Nevertheless, in order to be responsive to the Office Action, Applicants elect Subgroup VIII, SEQ ID NO:97, which corresponds to the amino acid sequence of CLAN-A, for examination with respect to the claims of Group I.

Applicants traverse the sequence election requirement on the ground that elected SEQ ID NO:97, which corresponds to the amino acid sequence of CLAN-A, encompasses all of SEQ ID NOS:99, 101, 103, 178, 180, 182, and 184. In this regard, each of SEQ ID NOS:97, 99, 101 and 103 corresponds to a splice variant of the CLAN gene, while each of SEQ ID NOS:178, 180, 182 and 184 corresponds to a specific domain within CLAN-A SEQ ID NO:97 and other CLAN polypeptides.

With respect to CLAN splice variants, CLAN-A (SEQ ID NO:97) corresponds to a 1024 to amino acid isoform; CLAN-B (SEQ ID NO:99) corresponds to a 359 to amino acid isform; CLAN-C (SEQ ID NO:101) corresponds to a 156-amino acid isoform and CLAN D (SEQ ID NO:103) corresponds to a 92-amino acid isoform (page 116, line 18, to page 117, line 2). The overlap

between CLAN-A and shorter isoforms CLAN-B, CLAN-C and CLAN-D is shown in the sequence comparison in Figure 2. This comparison shows that the amino acid sequences of CLANS -B, -C and -D overlap with that of CLAN-A, with CLANS -B, -C and -D differing from the corresponding portions of CLAN-A by at most 3 amino acids. For this reason, a search of nucleic acid molecules encoding SEQ ID NO:97 will encompass a search of nucleic acid molecules that encode shorter forms referenced as SEQ ID NOS:99, 101 and 103.

With respect to domains within CLAN polypeptides, elected CLAN-A amino acid sequence (SEQ ID NO:97) contains CARD domain (SEQ ID NO:178); NACHT domain (SEQ ID NO:180); LRR domain (SEQ ID NO:182), and SAM domain (SEQ ID NO:184). Therefore, a search of nucleic acid molecules encoding SEQ ID NO:97 will encompass a search of nucleic acid molecules encoding portions of SEQ ID NO:97, such as the domains set forth as SEQ ID NOS:178, 180, 182, and 184.

CONCLUSION

In view of the remarks submitted herein, Applicants elect claims 1 to 8 of Group I for examination, and request that the Examiner reconsider the restriction requirement and examine claim 17 (Group V) together with the elected claims. Applicants also elect SEQ ID NO:97 (amino acid sequence of CLAN-A) for examination, and request that the Examiner acknowledge that examination of SEQ ID NO:97 will encompass SEQ ID NOS:99, 101 and 103 (shorter CLAN splice variants overlapping with portions of SEQ ID NO:97) and SEQ ID NOS:178, 180, 182 and 184 (domains within SEQ ID NO:97).

Date: November 21, 2003

Pamela M. Guy
Registration No. 51,228
Telephone: (858) 535-9001
Facsimile: (858) 535-8949

McDERMOTT, WILL & EMERY
4370 La Jolla Village Drive
7th Floor
San Diego, California 92122